



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,937	07/11/2000	Jeffry Jovan Philyaw	PHLY-25,356	2472

25883 7590 10/24/2003

HOWISON & ARNOTT, L.L.P.
P.O. BOX 741715
DALLAS, TX 75374-1715

EXAMINER

PHAN, TAM T

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/614,937

Applicant(s)

PHILYAW, JEFFRY JOVAN

Examiner

Tam (Jenny) Phan

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/12/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. This application is a CIP of 09/378,221 (08/19/1999), which is a CIP of 09/151,471 (09/11/1998) and is a CIP of 09/151,530 (09/11/1998) U.S. Patent Number 6,098,106.
2. The effective filing date for the subject matter defined in the pending claims, which has support in parent 09/378,221 in this application, is 08/19/1999. Any new subject matter defined in the claims not previously disclosed in parent 09/378,221, is entitled to the effective filing date of 07/12/2000.

Information Disclosure Statement

3. The information disclosure statement (IDS) filed 10/19/2000 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The Non Patent Literature references cited on IDS (Paper #5, received 08/20/2001) are not present in the application, and thus, could not be considered.
4. All other references, which were listed, are indicated on the initialed and dated copy of Applicant's IDS form 1449.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2142

6. Claims 1-12, 16-18, 19-30, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz (U.S. Patent Number 5,978,773) and further in view of Nelson (U.S. Patent Number 6,297,727).

7. Regarding claim 1, Hudetz disclosed a method of displaying a web page to a user (Figure 6, column 8 lines 17-20) comprising the steps of retrieving location information associated with the unique code from a database, the location information corresponding to a location of the web page on a remote location disposed on the network (Figure 4, column 9 lines 59-62, column 11 lines 33-60); in response to retrieving the location information, connecting the activation system to the remote location (column 11 lines 28-37); and presenting the web page corresponding to the location information of the remote location to the user via the activation system (Figure 6, column 9 lines 54-62).

8. Hudetz did not disclose a method of providing a triggering device having a unique code stored therein and extracting the unique code from the triggering device with an activation system, the activation system disposed on a network. However, in an analogous art, Nelson disclosed a method of providing a triggering device having a unique code stored therein (Abstract, column 3 lines 10-13, column 5 lines 42-50) and extracting the unique code from the triggering device with an activation system, the activation system disposed on a network (column 3 lines 10-13, column 11 lines 9-12).

9. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Hudetz with the teachings of Nelson in order to offer users a more automatic method in obtaining the identification code using the interrogator unit and the triggering device (Nelson, column 6 lines 8-21) since this would allow users to access published

Art Unit: 2142

locations without having to manually enter the published address through input devices (Hudetz, column 2 lines 53-55).

10. Regarding claim 2, Nelson disclosed a method wherein the triggering device in the step of providing is a portable wireless passive transponder (Figure 1a sign 22, Figure 3 sign 34, column 1 lines 40-47, column 5 lines 42-47, column 7 lines 1-5).

11. Regarding claim 3, Nelson disclosed a method wherein the passive transponder has the unique code stored therein in a non-volatile memory (Abstract, column 3 lines 10-13, column 5 lines 42-47, column 1 lines 56-61, column 12 lines 4-13).

12. Regarding claim 4, Hudetz disclosed a method wherein the unique code in the step of providing is uniquely associated with the web page (Figure 4, column 9 lines 54-62).

13. Regarding claim 5, Nelson disclosed a method wherein the triggering device further includes a unique transponder identification code stored therein, the unique transponder identification code being exclusively associated with that triggering device (column 5 lines 59-66, column 6 lines 9-25).

14. Regarding claim 6, Nelson disclosed a method wherein the step of extracting further includes extracting the unique transponder identification code from the triggering device with the activation system (column 6 lines 9-25, column 5 lines 59-66, lines 39-54).

15. Regarding claim 7, Nelson disclosed a method wherein the step of retrieving location information further comprises the step of matching the unique code and the unique transponder identification code with the location information of the database (column 11 lines 48-55, column 3 lines 1-5).

16. Regarding claim 8, Nelson disclosed a method wherein the activation system in the step of extracting comprises a transmitter and a receiver each operatively connected to a interrogator unit [computer], the transmitter for activating the triggering device with an activating signal, and the receiver for receiving a triggering signal having the unique code contained therein (Figure 3, column 6 lines 13-23, lines 39-54).

17. Regarding claim 9, Nelson disclosed a method wherein the step of retrieving location information further comprises the step of matching the unique code with the location information of the database (column 9 lines 42-45, column 10 lines 29-36, lines 3-10).

18. Regarding claim 10, Hudetz disclosed a method wherein the database in the step of retrieving is local to the activation system (column 7 lines 51-57).

19. Regarding claim 11, Hudetz disclosed a method wherein the database in the step of retrieving is located at an intermediary location on the network (Figure 1 sign 60, Figure 4, column 7 lines 43-51).

20. Regarding claim 12, Hudetz disclosed a method wherein the step of retrieving location information from the intermediary location further comprises the step of appending to the unique code routing information which defines the location of the intermediary location on the network such that the unique code is transmitted to the intermediary location in accordance with the appended routing information (column 11 lines 28-37).

21. Regarding claim 16, Hudetz disclosed a method wherein the step of connecting is performed using a browser program (Figure 6, column 1 lines 46-52, column 10 lines 55-67).

22. Regarding claim 17, Hudetz disclosed a method wherein the steps of retrieving, connecting and displaying are performed automatically in response to the step of extracting (column 8 lines 23-46, column 7 lines 51-57).

23. Regarding claim 18, Hudetz disclosed a method wherein the step of presenting comprises displaying the web page to the user via display operatively connected to the activation system (Figure 6, column 9 lines 54-62).

24. Regarding claims 19-30 and 33-35, the apparatus corresponds directly to the method of claims 1-12 and 16-18, and thus these claims are rejected using the same rationale.

25. Since all the limitations of the claimed invention were disclosed by the combination of Hudetz and Nelson, claims 1-12, 16-18, 19-30, and 33-35 are rejected.

26. Claims 13-15 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz (U.S. Patent Number 5,978,773) in view of Nelson (U.S. Patent Number 6,297,727) as applied above, and further in view of Wellner (U.S. Patent Number 5,640,193).

27. Regarding claim 13, Hudetz disclosed a method of displaying a web page to a user (Figure 6, column 8 lines 17-20) comprising the steps of retrieving location information associated with the unique code from a database, the location information corresponding to a location of the web page on a remote location disposed on the network (Figure 4, column 9 lines 59-62, column 11 lines 33-60); in response to retrieving the location information, connecting the activation system to the remote location (column 11 lines 28-37); and presenting the web page corresponding to the location information of the remote location to the user via the activation system (Figure 6, column 9 lines 54-62). Nelson disclosed a method of providing a triggering

Art Unit: 2142

device having a unique code stored therein (Abstract, column 3 lines 10-13, column 5 lines 42-50) and extracting the unique code from the triggering device with an activation system, the activation system disposed on a network (column 3 lines 10-13, column 11 lines 9-12).

28. Hudetz and Nelson did not disclose a method wherein the activation system in the step of extracting further includes a unique interface identification code associated with the activation system. However, in an analogous art, Wellner disclosed a method wherein the activation system in the step of extracting further includes a unique interface identification code associated with the activation system (Abstract, column 1 lines 36-42, column 7 lines 3-10).

29. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combined teachings of Hudetz and Nelson with the teachings of Richton to include a unique interface identification code in order to allow a user to control the selection of electronic services to be provided to the user by one or more servers over a communication medium (Wellner, column 1 lines 33-36) because this enables the selected electronic service transmitted from the servers to be received by the user's receiver (Wellner, column 1 lines 42-44).

30. Regarding claim 14, Wellner disclosed a method wherein the step of retrieving location information further comprises the step of appending the unique interface identification code to the unique code and transmitting it to the database (column 1 lines 36-42, column 5 lines 46-55).

31. Regarding claim 15, Wellner disclosed a method wherein the step of retrieving location information further comprises the step of matching the unique code and the unique interface identification code with the location information of the database (column 1 lines 36-42, column 4 lines 46-52). Hudetz also disclosed this matching step at column 8 lines 47-53).

Art Unit: 2142

32. Regarding claims 31-32, the apparatus corresponds directly to the method of claims 13-15, and thus these claims are rejected using the same rationale.

33. Since all the limitations of the claimed invention were disclosed by the combination of Hudetz, Nelson, and Wellner, claims 13-15 and 31-32 are rejected.

34. Claims 19-22, 24, 26, 28-29, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothschild (U.S. Patent Number 6,430,554) and further in view of Schmitt et al. (U.S. Patent Number 5,903,225), hereinafter referred to as Schmitt.

35. Regarding claim 19, Rothschild disclosed an apparatus for displaying a web page to a user (Figure 1) comprising: an activation system disposed on a network for extracting the unique code from said triggering device (Figure 1, column 3 lines 16-26, lines 40-45); wherein location information associated with said unique is retrieved from a database, said location information correspond to a location of the web page on a remote location disposed on said network (column 2 lines 45-54, column 3 lines 52-63); wherein in response to said location information being retrieved from said database, said activation system is connected to said remote location (Figure 1, column 2 lines 45-54, column 5 lines 3-15); wherein the corresponding web page of said remote location is presented to the user via said activation system (column 3 lines 52-63, column 6 lines 27-32).

36. Rothschild did not disclose a triggering device of a user having a unique code stored therein (Rothschild disclosed an article of commerce having a unique stored therein). However, in an analogous art, Schmitt disclosed a triggering device of a user having a unique code stored therein (Abstract, Figure 14, column 2 lines 51-60). It would have been obvious to one of

Art Unit: 2142

ordinary skill in the art at the time of the invention was made to modify the apparatus of Rothschild with the teachings of Schmitt to include a triggering device in order to eliminate the cumbersome scanner because the triggering device would communicate with the activation system automatically when the user is in contact with the activation system (Schmitt, column 12 lines 4-55).

37. Regarding claim 20, Schmitt disclosed an apparatus wherein the triggering device is a portable wireless passive transponder (Abstract, column 3 lines 7-11, lines 53-57).

38. Regarding claim 21, Schmitt disclosed an apparatus wherein said passive transponder has said unique code stored therein in a non-volatile memory (column 3 lines 14-17, lines 22-26, column 12 lines 11-14, lines 25-33).

39. Regarding claim 22, Rothschild disclosed an apparatus wherein said unique code is uniquely associated with the webpage (column 3 lines 59-63).

40. Regarding claim 24, Schmitt disclosed an apparatus wherein said activation system comprises a transmitter and a receiver each operatively connected to a computer, said transmitter for activating said triggering device with an activating signal, and said receiver for receiving a triggering signal having said unique code contained therein (Figure 14, column 2 lines 51-60, column 3 lines 7-14).

41. Regarding claim 26, Rothschild disclosed an apparatus wherein said unique code is matched with said location information of said database (column 2 lines 45-52, column 5 lines 3-15, column 7 lines 39-49).

42. Regarding claim 28, Rothschild disclosed an apparatus wherein said database is local to said activation system (column 3 lines 33-45, column 7 lines 50-53).

Art Unit: 2142

43. Regarding claim 29, Rothschild disclosed an apparatus wherein said database is located at an intermediary location on said network (column 2 lines 45-52, column 7 lines 50-53).

44. Regarding claim 33, Rothschild disclosed an apparatus wherein said activation is connected to said remote location using a browser program (column 3 lines 59-63, column 6 lines 57-62).

45. Regarding claim 34, Rothschild disclosed an apparatus wherein the webpage is automatically displayed to the user in response to said activation system activating said triggering device (column 3 lines 39-44, column 6 lines 20-32).

46. Regarding claim 35, Rothschild disclosed an apparatus wherein the webpage is presented to the user via a video display operatively connected to said activation system (Figure 1, column 7 lines 54-60).

47. Since all the limitations of the claimed invention were disclosed by the combination of Rothschild and Schmitt, claims 19-22, 24, 26, 28-29, and 33-35 are rejected.

Conclusion

48. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703) 305-4665. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the

Art Unit: 2142

organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Marc Thompson
Primary Examiner
Art Unit 2142
703-308-6750

tp
October 16, 2003

MARC D. THOMPSON
MARC THOMPSON
PRIMARY EXAMINER